

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES A. DEWHURST,

Plaintiff,

v.

SHERIFF PAT GARRETT,

Defendant.

Case No.: 3:23-cv-01187-YY

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Youlee Yim You issued a Findings and Recommendation in this case on April 8, 2025, ECF [43]. Judge You recommended that this Court grant defendant's motion for summary judgment and dismiss this case without prejudice. No party has filed objections. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS

Judge You's Findings and Recommendation, ECF [43], in full. Defendant's Motion for Summary Judgment, ECF [23], is GRANTED, and this case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 21st day of May, 2025.



Adrienne Nelson
United States District Judge